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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,094	03/17/2000	Frank J. Montero	VSD-201-1-CON	3570

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NEW YORK, NY 10103-3198

EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/28/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/528,094

Applicant(s)

MONTERO, FRANK J.

Examiner

Melvin H Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 417-422 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 417-422 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is less than 50 words. Correction is required. See MPEP § 608.01(b). The examiner also objects to the parenthetical: "subscribers (terminals) on a..."

Drawings

4. The drawings are objected to because of informalities, particularly regarding incorrect drawing margins. One of the margins is too small. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of

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the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

5. The information disclosure statement filed 13 September 2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The examiner is required to provide a copy of all documents in the IDS, especially all Foreign Patents and all Non-Patent Literature.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 417, 418, 420, and 421 are rejected under 35 U.S.C. 102(e) as being anticipated by Belfiore et al. (6,009,459).

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8. For claim 417, Belfiore teaches a method (see abstract) of connecting a terminal (Fig. 3, #30) to a host server (Fig. 3, #34) on the Internet (col. 1, lines 15-27; Fig. 3, #32) in response to an incomplete uniform resource locator (col. 1, lines 5-10; col. 2, lines 10-20), wherein said terminal has a monitor (Fig. 3, #48) and an input device (Fig. 3, #50), the method comprising the steps of:

- a. Entering a host name (col. 1, lines 45-55) by a user (Fig. 4, #60) corresponding to said host server on said input device (Fig. 10A) to provide said incomplete uniform resource locator (Fig. 7, #92-94);
- b. Contextually determining remaining components of said incomplete uniform resource locator (col. 2, lines 20-60) as a function of said host server (Fig. 8B).

9. For claim 418, Belfiore teaches determining a domain of said host server as a function of a probability distribution of the number of host servers in a particular domain (col. 3, line 60 – col. 4, line 40; col. 7, lines 5-20).

10. Claims 420 and 421 are drawn to a hardware system that implements the method drawn in claims 417 and 418, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 417 and 418 are rejected, claims 420 and 421 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 419 and 422 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Belfiore as applied to claims 417 and 420 above, and further in view of Mantha et al.

(6,163,779).

13. For claim 419, Belfiore does not expressly disclose that said monitor includes a plurality of clickable buttons, each of said plurality of clickable buttons corresponding to one component of a uniform resource locator. Therefore, while Belfiore teaches that the step of contextually determining contextually determines the remaining components of said incomplete uniform resource locator in response to actions to input URL components, Belfiore does not expressly disclose contextual determination in response to one or more of said plurality of clickable buttons clicked by said user. It is considered in the art that a TV with remote and set-top box for internet access is functionally equivalent to a PC with monitor and input device. Mantha teaches a system (see abstract) that uses such a device (Fig. 2A-2D) and furthermore includes said clickable buttons (Fig. 2D, #144-160; col. 5, lines 5-27). At the time the invention was made, one of ordinary skill in the art would have used a Mantha "Web appliance" as a Belfiore client in order to decrease the hardware costs (col. 4, lines 60-65).

14. Claim 422 is drawn to a hardware system that implements the method drawn in claim 419. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 419 is rejected, claim 422 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

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Conclusion

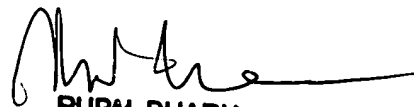
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
09 June 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER